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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/578,983	08/08/2006	Helge-Ruben Halse	007831.00004	8549
28827 7590 05/13/2008				
GABLE & GOTWALS				
100 WEST FIFTH STREET, 10TH FLOOR				
TULSA, OK 74103				
EXAMINER				
SHAKERI, HADI				
ART UNIT		PAPER NUMBER		
3723				
MAIL DATE		DELIVERY MODE		
05/13/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/578,983

**Applicant(s)**

HALSE, HELGE-RUBEN

**Examiner**

HADI SHAKERI

**Art Unit**

3723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4 and 6-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 6-10 is/are rejected.
- 7) ☒ Claim(s) 4 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 January 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

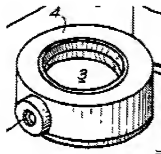
- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/003)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

#### *Claim Rejections - 35 USC § 103*

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1-3, 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Montgomery et al (2,923,192).

Montgomery et al. meets all of the limitations of claim 1, i.e., a drive ring **9** (defined by the upper portion); clamping device **15**; driving mechanism, e.g., **8, 9, 32, 33**; the clamping device communicating with a fluid supply **89** via a swivel ring **4** that encircles the drive ring (note that limitations from the specification are not read into the claim), except that the plurality of the clamping devices **15** gathered in a group are not removable (readily) from the drive ring. It is noted that it has been held that constructing a formerly integral structure in various elements involves only routine skill in the art. *Nerwin v. Erlichman*, 168 USPQ 177, 179.



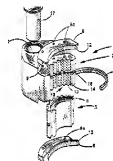
It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of Montgomery et al (e.g., by forming the lower plate of the housing **2** detachably attached...) to make the jaws separable for ease of maintenance or replacements, as such modification is old and well known in the art and would only require routine experimentations with predictable results.

Regarding claims 2-3 6 and 7, modified prior art meets the limitations, as described in the previous Office action.

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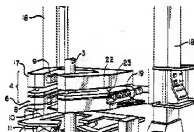
3. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Montgomery et al as applied to claim 1 above, and further in view of Buck (6,253,643).

Montgomery et al as applied to claim 1, meets all of the limitations of the above claim, except for disclosing removable jaws. Buck teaches jaw assemblies that are removable. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to further modify the modified invention of Montgomery et al with removable jaws as taught by Buck with replaceable jaws for ease of service.



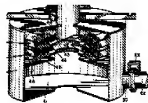
4. Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Montgomery et al as applied to claim 1 above, and further in view of Lemaire et al. (4,246,809).

Montgomery et al as applied to claim 1, meets all of the limitations of the above claims, except for disclosing a back up tong displaceable relative to the tong along two guide columns. Providing back up tong for break up and tightening of pipes and adjusting a relative distance between the tong and the back up tong along guide columns are known as evident by Lemaire et al. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to further modify the modified invention of Montgomery et al with guide columns as taught by Lemaire et al. to enhance the operation.



5. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over prior art as applied to claim 7 above, and further in view of Dyer (4,321,975).

Montgomery et al modified by Lemaire et al. as applied to claim 7, meets all of the limitations of the above claims, except for disclosing a bellows between the back up tong and the tong for collecting a content of the pipe. Providing a collecting device between the pips to collect mud or drilling fluid is known as evident by Dyer. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to further modify the modified invention of Montgomery et al and Lemaire et al. Using a bellows and placing it between the tong to collect the fluid in adapting the apparatus for a particular application is considered to be obvious to one of ordinary skill in the art as it would require routine experimentations with predictable results.



***Allowable Subject Matter***

6. Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
7. The following is a statement of reasons for the indication of allowable subject matter: prior art considered alone or in combination does not provide teaching or suggestions for the cylinder and the piston to be double acting, wherein a plus side of the piston is in communication with a first passage in the swivel ring and a minus side of the piston is in communication with a second passage in the swivel ring, as recited in claim 4.

***Response to Arguments***

8. Applicant's arguments filed January 18, 2008 have been fully considered but they are not persuasive. The arguments regarding Applicant's admitted prior art is moot in view of the new rejections. The argument that Montgomery that it does not disclose a group of clamping devices and that the clamps 15 would have to be removed individually are not persuasive, since the claims only recite for the group to be removable (whether individually or not), which is met by Montgomery and further forming the ring gear 8 removable would meet the claims even as argued (i.e., group removed simultaneously). The arguments with regards to Keast et al. and Schulze-Beckinghausen are moot in view of the new rejections.

***Conclusion***

9. Prior art made of record and not relied upon at this time are considered pertinent to applicant's disclosure. Schulze-Beckinghausen et al. and Beckley et al. are cited to show related inventions.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hadi Shakeri whose telephone number is 571-272-4495. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph J. Hail, III can be reached on 571-272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

May 8, 2008

/Hadi Shakeri/  
Primary Examiner, Art Unit 3723